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IN THE UNITED STATES DISTRICT COURT
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FOR THE NORTHERN DISTRICT OF CALIFORNIA
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MICHAEL ANTHONY SIMMONS,)
8
Petitioner,) No. C 07-2339 CRB (PR)
9
v.) ORDER
10
BEN CURRY, Warden,)
11
Respondent.)
12
_____)
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14 Per order filed on June 12, 2007, the court dismissed this habeas action
15 without prejudice for failure to pay the requisite \$5.00 filing fee or, instead, submit
16 a signed and completed court-approved in forma pauperis application. Petitioner
17 had been advised that failure to file the requested items within 30 days would
18 result in dismissal of the action.

19 Petitioner claims he asked prison authorities to send in \$5.00 on his behalf;
20 however, no such payment has been received in the two months following the
21 dismissal. Because the dismissal was without prejudice, petitioner should submit a
22 new habeas petition accompanied by the requisite filing fee or court-approved in
23 forma pauperis application.

24 SO ORDERED.
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DATED: 08/16/07


CHARLES R. BREYER
United States District Judge